

NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | | |
|----------------------|---|-----------------------|
| 12 WILLIAM BRADSHAW, |) | No. C 08-1787 JF (PR) |
| 13 Petitioner, |) | ORDER DENYING MOTION |
| 14 vs. |) | FOR STAY; TO SHOW |
| 15 B. CURRY, Warden, |) | CAUSE |
| 16 Respondent. |) | (Docket No. 5) |
| <hr/> | | |

Petitioner, a prisoner of the State of California, has filed a habeas corpus petition pursuant to 28 U.S.C. § 2254 challenging the Board of Parole Hearings' decision to deny Petitioner parole. On May 13, 2008, the Court ordered Respondent to show cause why the petition should not be granted based on Petitioner's cognizable claims. Instead of filing an answer or motion to dismiss, as Respondent was ordered to do, Respondent filed a motion to stay this case indefinitely, pending the issuance of a decision in Hayward v. Marshall, 512 F.3d 536 (9th Cir.), reh'g en banc granted, No. 06-55392, slip op. at 1 (9th Cir. May 16, 2008).

Respondent asserts that a stay is warranted on basis of judicial order and economy because Hayward "may" decide various issues applicable to this case. It is an abuse of

1 discretion for a district court to stay a habeas petition indefinitely pending resolution of a
2 different case involving parallel issues on the basis of judicial economy and to prevent an
3 intra-district split in decisions. Yong v. INS, 208 F.3d 1116, 1120-22 (9th Cir. 2000).

4 Accordingly, the motion for a stay is DENIED.

5 Within **60 days** of the date this order is filed, Respondent shall comply with the
6 May 13, 2008 Order to Show Cause.

7 This order terminates Docket No. 5.

8 IT IS SO ORDERED.

9 DATED: 6/30/08



JEREMY FOGEL
United States District Judge